IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.09.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE S. MANIKUMAR

WRIT APPEAL Nos.1764 & 1765 of 2002

Director
Medical Council of India
New Delhi. .. Appellant in both Appeals

vs.

Dr. V. Sindhuja .. 1st respondent in WA.1764/02

Secretary to Govt. Health and
Family Dept. Govt. of Tamil Nadu,
Fort St.George, Chennai - 9. .. 2nd respondent in WA.1764/02 and 7th respondent in WA.1765/02

The Secretary,
Selection Committee,
162, Periyar E.V.R.Salai,
Chennai - 10. .. 3rd respondent in WA.1764/02 and 8th respondent in WA.1765/02.

Dr.M.G.R.Medical University,
Guindy, Chennai. .. 4th respondent in WA.1764/02 and 9th respondent in Wa.1765/02.

Dr. Vidya Sundaram
Dr. J. Ganesh
Dr. Umamageshwari
Dr. Baskar
Dr. Balakrishnan
Dr. K. Mohan .. Respondents 1 to 6 in WA.1765/02

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Writ Appeals filed under Clause 15 of the Letters of Patent against the common order of the learned Judge Mr. Justice A. Kulasekaran dated 27.03.2002 made in W.P.Nos.8879 and 10836 of 2001 presented under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to extend the benefit of Clause 10(1) of the

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Post Graduate Medical Education Regulations 2000 dated 22.08.2000 issued by the 1st respondent as published in the gazzette of India dated 07.10.2000 (Asvina 15, 1922) in favour of the petitioners in WP.8879 of 2001 and WP.10836 of 2001.

For appellant : Mr. S. Kannan
For respondents: Mr. Viswanath
Government Advocate for State
Ms. A.L. Gandhimathi
for Dr.MGR Medical University

COMMON JUDGMENT

(Judgement of the Court was delivered by P. SATHASIVAM,J.)

It is not in dispute that the learned single Judge while disposing of the writ petitions filed by the respondents herein/petitioners therein, directed the official respondents in these appeals to consider the case of the writ petitioners positively bearing in mind the observations made by him and pass orders expeditiously. Aggrieved by he said common order, Director of Medical Council of India, New Delhi, first respondent in he writ petitions alone filed the above writ appeals.

2. It is brought to our notice that even in the year 2003, it was represented to the Court that the writ petitioners have completed their course and also received degree certificates. It is also not in dispute that though the learned Judge passed an order issuing directions even on 27.03.2002, admittedly, no stay was granted by the Division Bench and in fact the stay applications were closed by order dated 21.08.2003.

Considering the factual aspects, viz., the writ petitioners have completed their course and received degree certificate even in the year 2003 and in the absence of positive information about the compliance of the direction of the learned single Judge dated 27.03.2002, we are not inclined to interfere with the impugned order at this juncture. Accordingly, both the writ appeals are closed. No costs.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government
   Health & Family Department
   Government of Tamil Nadu
   Fort St. George
   Chennai 600 009.

2. The Secretary
   Selection Committee
   162, Periyar E.V.R. Salai
   Chennai 600 010.

3. Dr. M.G.R. Medical University
   Guindy, Chennai.

1 cc To Mr.N.Kannan, Advocate, SR.41644.
1 cc To Mr.AL.Gandhimathi, Advocate, SR.41558.
1 cc To The Government Pleader, SR.42170.

Writ Appeal Nos.1764&1765/02

NA(CO)
RVL 21.09.2006

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